

106TH CONGRESS  
1ST SESSION

# H. R. 591

To provide funds to States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1999

Mr. FOSSELLA (for himself, Mr. BLILEY, Mr. WELDON of Pennsylvania, Mr. KOLBE, and Mr. SWEENEY) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To provide funds to States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS; AND PURPOSES.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Measures to Encourage Results in Teaching Act of  
6 1999”.

7 (b) FINDINGS.—Congress makes the following find-  
8 ings:



1           (1) All students deserve to be taught by well-  
2           educated, competent, and qualified teachers.

3           (2) More than ever before, education has and  
4           will continue to become the ticket not only to eco-  
5           nomic success but to basic survival. Students will  
6           not succeed in meeting the demands of a knowledge-  
7           based, 21st century society and economy if the stu-  
8           dents do not encounter more challenging work in  
9           school. For future generations to have the opportu-  
10          nities to achieve success the future generations will  
11          need to have an education and a teacher workforce  
12          second to none.

13          (3) No other intervention can make the dif-  
14          ference that a knowledgeable, skillful teacher can  
15          make in the learning process. At the same time,  
16          nothing can fully compensate for weak teaching that,  
17          despite good intentions, can result from a teacher's  
18          lack of opportunity to acquire the knowledge and  
19          skill needed to help students master the curriculum.

20          (4) The Federal Government established the  
21          Dwight D. Eisenhower Professional Development  
22          Program in 1985 to ensure that teachers and other  
23          educational staff have access to sustained and high-  
24          quality professional development. This ongoing de-  
25          velopment must include the ability to demonstrate

1 and judge the performance of teachers and other in-  
2 structional staff.

3 (5) States should evaluate their teachers on the  
4 basis of demonstrated ability, including tests of sub-  
5 ject matter knowledge, teaching knowledge, and  
6 teaching skill. States should develop a test for their  
7 teachers and other instructional staff with respect to  
8 the subjects taught by the teachers and staff, and  
9 should administer the test every 3 to 5 years.

10 (6) Evaluating and rewarding teachers with a  
11 compensation system that supports teachers who be-  
12 come increasingly expert in a subject area, are pro-  
13 ficient in meeting the needs of students and schools,  
14 and demonstrate high levels of performance meas-  
15 ured against professional teaching standards, will  
16 encourage teachers to continue to learn needed skills  
17 and broaden teachers' expertise, thereby enhancing  
18 education for all students.

19 (c) PURPOSES.—The purposes of this Act are as fol-  
20 lows:

21 (1) To provide incentives for States to establish  
22 and administer periodic teacher testing and merit  
23 pay programs for elementary school and secondary  
24 school teachers.

1           (2) To encourage States to establish merit pay  
 2           programs that have a significant impact on teacher  
 3           salary scales.

4           (3) To encourage programs that recognize and  
 5           reward the best teachers, and encourage those teach-  
 6           ers that need to do better.

7   **SEC. 2. STATE INCENTIVES FOR TEACHER TESTING AND**  
 8           **MERIT PAY.**

9           (a) AMENDMENTS.—Title II of the Elementary and  
 10          Secondary Education Act of 1965 (20 U.S.C. 6601 et  
 11          seq.) is amended—

12                  (1) by redesignating part D as part F;

13                  (2) by redesignating sections 2401 and 2402 as  
 14          sections 2601 and 2602, respectively; and

15                  (3) by inserting after part C the following:

16          **“PART D—STATE INCENTIVES FOR TEACHER**  
 17                  **TESTING AND MERIT PAY**

18          **“SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING**  
 19                  **AND MERIT PAY.**

20                  “(a) STATE AWARDS.—Notwithstanding any other  
 21          provision of this title, from funds described in subsection  
 22          (b) that are made available for a fiscal year, the Secretary  
 23          shall make an award to each State that—

24                          “(1) administers a test to each elementary  
 25          school and secondary school teacher in the State,

1 with respect to the subjects taught by the teacher,  
2 every 3 to 5 years; and

3 “(2) has an elementary school and secondary  
4 school teacher compensation system that is based on  
5 merit.

6 “(b) AVAILABLE FUNDING.—The amount of funds  
7 referred to in subsection (a) that are available to carry  
8 out this section for a fiscal year is 50 percent of the  
9 amount of funds appropriated to carry out this title that  
10 are in excess of the amount so appropriated for fiscal year  
11 2000, except that no funds shall be available to carry out  
12 this section for any fiscal year for which—

13 “(1) the amount appropriated to carry out this  
14 title exceeds \$600,000,000; or

15 “(2) each of the several States is eligible to re-  
16 ceive an award under this section.

17 “(c) AWARD AMOUNT.—A State shall receive an  
18 award under this section in an amount that bears the  
19 same relation to the total amount available for awards  
20 under this section for a fiscal year as the number of States  
21 that are eligible to receive such an award for the fiscal  
22 year bears to the total number of all States so eligible for  
23 the fiscal year.

1       “(d) USE OF FUNDS.—Funds provided under this  
 2 section may be used by States to carry out the activities  
 3 described in section 2207.

4       “(e) DEFINITION OF STATE.—For the purpose of  
 5 this section, the term ‘State’ means each of the 50 States  
 6 and the District of Columbia.”.

7       (b) EFFECTIVE DATE.—The amendments made by  
 8 subsection (a) shall take effect on October 1, 1999.

9       **SEC. 3. TEACHER TESTING AND MERIT PAY.**

10       (a) IN GENERAL.—Notwithstanding any other provi-  
 11 sion of law, a State may use Federal education funds—

12               (1) to carry out a test of each elementary  
 13 school or secondary school teacher in the State with  
 14 respect to the subjects taught by the teacher; or

15               (2) to establish a merit pay program for the  
 16 teachers.

17       (b) DEFINITIONS.—In this section, the terms “ele-  
 18 mentary school” and “secondary school” have the mean-  
 19 ings given the terms in section 14101 of the Elementary  
 20 and Secondary Education Act of 1965 (20 U.S.C. 8801).

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